

REMARKS

Claims 24-31 have been cancelled, thereby obviating the rejection of these claims under 35 U.S.C. §112, second paragraph.

Claim 46 stands rejected under 35 U.S.C. §112, second paragraph, because the phrase "can be varied" is considered indefinite. This rejection is traversed, because the phrase describes the structure in terms of what it can do, rather than what it is. There is nothing inherently wrong with defining some part of an invention in terms of what it does, or can do, rather than what it is. See, e.g., In re Swinehart, 169 USPQ 229 (CCPA 1971). See also MPEP 2173.05(g). The examiner has proposed that the language "is varied" be substituted, but this is an action step which does not describe the structure. As such, it is felt that the existing phrase is definite, whereas the proposed phrase is not.

Claim 32 has been amended to include the limitations of claims 33 and 35. Since claim 35 was indicated as being allowable, claim 32 should now be allowable.

New claim 48 represents a combination of claims 32 and 36. Since claim 36 was indicated as being allowable, claims 48-56 should be allowable.

The claims being definite and patentable over the art of record, withdrawal of the rejections and early allowance are solicited. If any objections remain, a call to the undersigned is requested.


It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be

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charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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